REMARKS

The Office Action dated October 11, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 13-14 and 17-18 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claim 11-12, 15-16 and 19 have been canceled without prejudice or disclaimer. Claims 22-23 have been newly added. No new matter has been added. Claims 13, 14, 17, 18 and 20-23 are respectfully submitted for consideration

Claims 19-20 have been rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. Applicant has cancelled claim 19 and has amended claim 20 to recite a "computer-readable medium" which comprises a "computer program" as suggested in the Office Action. Accordingly, Applicant submits that claim 20 is directed to statutory subject matter. Withdrawal of the rejection is kindly requested.

Claims 13-14 have been rejected under 35 U.S.C. §112, second paragraph, because the phrase "such as" renders the claim recitations indefinite. Applicant has amended claims 13-14 to remove the phrase "such as." Withdrawal of the rejection is kindly requested.

Claims 11-12, 15-16 and 18-21 were rejected under 35 U.S.C. §102(e) as being anticipated by Mathis (U.S. Patent Publication No. 2003/0119540). The Office Action took the position that Mathis discloses all of the subject matter recited in those claims.

Applicant submits that Mathis fails to disclose all of the subject matter recited in newly amended claims 18 and 20-21.

Claim 18 recites an apparatus that includes a storage device configured to store a phonebook application containing a list of subscribers and presence information of the subscribers. The presence information including information on the availability of the subscribers for a group call. The apparatus also includes a user interface configured to display the list of subscribers of the phonebook application, and a controller configured, in response to the user's selection of two or more subscribers from the list via the user interface, to display a group communications menu on the user interface. The apparatus also includes the controller being configured, in response to the user's selection of two or more subscribers from the list via the user interface and the user selecting a predetermined operation in the group communications menu or the user pressing a predetermined button, providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call of the selected subscribers and the user of the apparatus. The apparatus also includes the controller being configured to send a speech item or a speech item request each time a talk activity is detected or indicated in the apparatus during said ad hoc group call. The speech item or said speech item request is sent based on real-time transport protocol.

Claim 20 recites a storage computer-readable medium comprising an executable computer program that includes, a phonebook application routine configured to store a list of subscribers in a subscriber device of a communications system, and to store presence information of the subscribers in the phonebook application, said presence

information including information on the availability of the subscribers for a group call. The computer program further includes a routine configured, in response to receiving, via a user interface from a user of the subscriber device, group call activation with a selection of two or more subscribers from the phonebook to provide an appropriate signaling with a group communication service in a network infrastructure for establishing an ac-hoc group call of the selected subscribers and the user of the subscriber. The program further provides a routine configured to configured send a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said the speech item or said speech item request is sent based on real-time transport protocol.

Claim 21 recites an apparatus that includes a radio transceiver with a group communication capability. The apparatus includes a memory containing a list of subscribers of a phonebook application, and presence information of said subscribers, said presence information including information on the availability of the subscribers for a group call. The apparatus also includes a controller connected to a user interface from a user of the apparatus via which a group call activation can be received with a selection of two or more subscribers from said list of the phonebook application. The controller being further connected to said transceiver to send via said transceiver to a group communication service in a network infrastructure an ad-hoc group call setup signaling for a call group of the selected subscribers and the user of the apparatus. The controller being configured to send a speech item or a speech item request each time a talk activity

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is detected or indicated in the apparatus during said ad hoc group call, wherein said the speech item or said speech item request is sent based on real-time transport protocol.

Claims 11-12 and 15-16 have been cancelled. Therefore the rejection of claims 11-12 and 15-16 is moot. As for amended claims 18-21, Applicants provide the following arguments why Mathis does not disclose the subject matter recited in amended claims 18-21.

Mathis discloses a method for conducting a group call among client devices (i.e., mobile stations 102, 104, 106 and 108 of FIG. 1) based on presence information of the client devices. Each client device has access to a contact list, which identifies one or more talk groups configured for the communication network. Each contact list may be stored in a memory of the respective client device, or, alternatively, collectively stored in a memory located in the communication network. In one example of Mathis, the contact lists are stored in a memory of a server 112 (See paragraph [0012] of Mathis). A group call processing server is configured with the list of client devices assigned to each talk group and includes any call start restrictions (See paragraph [0015] of Mathis).

In order to place a group call, a user selects the desired talk group from the contact list (See paragraph [0018] of Mathis) and presses a push-to-talk button to send a service request to the server or dispatch group call service (See paragraph [0018] of Mathis). In other words, Mathis discloses using predefined talk groups and placing group calls to those predefined talk groups (emphasis added). Therefore, Mathis is directed to the type of static groups disclosed as prior art on page 2, lines 21-32 of the present application. Mathis fails to teach "in response to the user's selection of two or more subscribers from

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the list...<u>establishing an ad-hoc group call of the selected subscribers and the user of the apparatus</u>", as recited, in part, in claim 18.

Mathis fails to teach or suggest establishing an ad-hoc group call to an ad-hoc group of two or *more* subscribers selected by the user for a specific call from the phone-book application. The type of group described by Mathis is a static predefined group that has no ad-hoc capability. Page 11, lines 3-4 in the present application provides that ad-hoc groups are dynamic, spontaneously defined groups of users. The existence of the ad-hoc group may be limited to the duration of the group call. The ad-hoc group can be formed on an as needed basis, e.g., arranging a meeting with three colleagues. The group members participating in the ad-hoc group are not predefined but the group includes people selected based on the immediate needs of the call, and optionally, on the presence information of the people who are invited to be part of the ad-hoc group call, e.g. user availability, context, location or terminal status.

In addition to the above-noted deficiency of Mathis, the disclosure of Mathis further fails to teach "providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call of the selected subscribers and the user of the apparatus", as recited, in part, in claim 18. Mathis does not teach ad-hoc group calls. Therefore, Mathis clearly does not teach providing appropriate signaling for establishing an ad-hoc group call.

Mathis further fails to teach the "controller being configured send a speech item or a speech item request each time a talk activity is detected or indicated in the apparatus during said ad hoc group call, wherein said the speech item or said speech item request is

sent based on real-time transport protocol", as recited, in part, in claim 18. Mathis does not teach ad-hoc group calls, and thus clearly fails to teach an ad-hoc group call that includes sending speech based on the real-time transport protocol.

For at least the reasons stated above, Applicants submits that independent claim 18 and similarly independent claims 20-21 are allowable of Mathis. Withdrawal of the rejection of claims 18 and 20-21 is kindly requested.

Claims 11, 15 and 19-21 are rejected as being anticipated by Haims (U.S. Patent Publication No. 2003/0105820). Claims 11, 15 and 19 have been cancelled, thus rendering the rejection of those claims moot. Claims 20 and 21, however, recites subject matter which is neither disclosed nor suggested by Haims.

Haims discloses a method for providing online communications to user devices 110a in a secure manner. An ad-hoc session may be established which includes real-time availability resources. Ad-hoc communication sessions may be stored at communication server 200. The information may include time, date, number of participants, the topic of discussion planned at the meeting etc. A contact list 810 may be used to provide information regarding the users availability to be contacted via voice or text or instant messaging.

Regarding claims 20 and 21, Haims fails to disclose a controller or routine configured to "send a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad-hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol", as recited, in part, in claims 20 and 21.

The ad-hoc capabilities of Haims does not include sending a speech item or a speech item request each time a talk activity is detected. The speech information transmitted in the ad-hoc groups described by Haims simply do not teach this feature. In addition, Haims fails to teach or disclose the speech item or said speech item request is sent based on real-time transport protocol. Haims further fails to provide support for this feature.

Therefore, for at least the reasons stated above, independent claims 20 and 21 are allowable over Haims. Withdrawal of the rejection of claims 20 and 21 is kindly requested.

Claims 11 and 12 have been rejected under 35 U.S.C. §102(e) as being anticipated by Griffin (U.S. Patent Publication No. 2004/0015553). The Office Action took the position that Griffin discloses all of the subject matter recited in those claims. Claims 11-12 have been cancelled, thus rendering the rejection of claims 11-12 moot. Withdrawal of the rejection is kindly requested.

Claims 13 and 14 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Mathis (U.S. Patent Publication No. 2003/0119540). The Office Action took the position that Mathis discloses all of the subject matter recited in those claims or that the features not disclose are rendered obvious. Applicant submits that Mathis fails to disclose all of the subject matter recited in newly claims 13-14 and 17.

Claim 13 recites a method that includes storing a list of subscribers in a phonebook application in a subscriber device. The method further includes storing presence information of the subscribers in the phonebook application, said presence

information including information on the availability of the subscribers for a group call, and opening the phonebook application in response to a predetermined input from the user interface. The method also includes displaying the list of subscribers on the user interface, in response to the user's selection of two or more subscribers from the list via the user interface, displaying a group communications menu on the user interface, and in response to the user selecting a predetermined operation in the group communications menu or the user pressing a predetermined button, providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call of the selected subscribers and the user of the subscriber device. The method further includes sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said the speech item or said speech item request is sent based on real-time transport protocol.

Claim 14 recites a method that includes storing a list of subscribers in a phonebook application in a subscriber device, storing presence information of the subscribers in the phonebook application, said presence information including information on the availability of the subscribers for a group call. The method also includes opening the phonebook application in response to a predetermined input from the user interface, and displaying the list of subscribers on the user interface. The method also provides receiving the user's selection of two or more subscribers from the list via the user interface, and in response to the user pressing a predetermined button, providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call of the selected subscribers and the user of the subscriber

device. The method further provides sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said the speech item or said speech item request is sent based on real-time transport protocol.

Claim 17 recites an apparatus that includes a storage device configured to store a phonebook application containing a list of subscribers and presence information of the subscribers. The presence information including information on the availability of the subscribers for a group call. The apparatus also includes a user interface configured to display the list of subscribers of the phonebook application, and a controller configured, in response to the user's selection of two or more subscribers from the list via the user interface, to display a group communications menu on the user interface. The controller being configured, in response to the user selecting a predetermined operation in the group communications menu or the user pressing a predetermined button, to exchange appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call of the selected subscribers and the user of the apparatus. The apparatus further provides the controller being configured to send a speech item or a speech item request each time a talk activity is detected or indicated in the apparatus during said ad hoc group call, wherein said the speech item or said speech item request is sent based on real-time transport protocol.

As discussed above, Mathis discloses using predefined talk groups and placing group calls to those predefined talk groups. Therefore, Mathis is directed to the type of static groups disclosed as prior art on page 2, lines 21-32 of the present application.

Mathis fails to teach "in response to the user's selection of two or more subscribers from the list...establishing an ad-hoc group call of the selected subscribers and the user of the apparatus", as recited, in part, in claims 13-14 and 17. Mathis fails to teach or suggest establishing an ad-hoc group call to an ad-hoc group of two or <u>more</u> subscribers selected by the user for a specific call from the phonebook application (emphasis added). The type of group described by Mathis is a static predefined group that has no ad-hoc capability.

In addition to the above-noted deficiency of Mathis, the disclosure of Mathis further fails to teach "providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call of the selected subscribers and the user of the apparatus", as recited, in part, in claims 13-14 and 17. Mathis does not teach ad-hoc group calls. Therefore, Mathis clearly does not teach providing appropriate signaling for establishing an ad-hoc group call.

Mathis further fails to teach "sending a speech item or a speech item request each time a talk activity is detected or indicated in the apparatus during said ad hoc group call, wherein said the speech item or said speech item request is sent based on real-time transport protocol", as recited, in part, in claims 13-14 and 17. Mathis does not teach ad-hoc group calls, and thus clearly fails to teach an ad-hoc group call that includes sending speech based on the real-time transport protocol.

Therefore, for at least the reasons stated above, independent claims 13, 14 and 17 are allowable over Mathis. Withdrawal of the rejection of claims 13, 14 and 17 is kindly requested.

For at least the reasons discussed above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. New claims 23 and 24 are directed to a computer program claim and to an apparatus claim, respectively, which are directed to the subject matter described in detail above. Accordingly, for at least the reasons stated above, claims 23 and 24 are also allowable over the prior art of record. It is therefore respectfully requested that all of claims 13, 14, 17, 18 and 20-23 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Petition for Extension of Time
            Additional Claims Transmittal
            Check No. 018469